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NEWS with THE BAY CITY TIMES

Wetland-permit waiver idea has too many risks

Sunday, August 19, 2001

The U.S. Army Corps of Engineers is moving on a questionable course by proposing fast-track rules for developers who want to fill wetlands. The streamlined local decision-making could also worsen the loss of wetlands.

The Pentagon-based agency, which enforces environmental laws for federal waters and wetlands, has proposed a batch of changes in its Nationwide Wetlands Permits regulations for public comment through Sept. 24.

Among the proposals is removing, for some projects, the requirement that developers seek individual permits and instead be governed only to looser, more general rules of the nationwide permits. The waiver of an individual permit would be allowed for projects that include filling in small waterways or wetlands which would have minimal impact on the ecosystem.

The proposals would put too much discretion in the hands of a district Corps chief on waiving permits and letting projects proceed.

The district would get notice of a proposed project the developer thinks would be eligible for waiver of an individual permit. The district would decide whether the impact of a particular project is low enough and whether the affected water or wetland has a low enough aquatic function. If so, a waiver could be granted for an individual project permit for the detailed procedures that follow.

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The proposal gives little guidance on details. More discretion and local decision-making would put even more pressures on the Corps offices about enforcement of wetland laws on federal waters and wetlands. Enforcement already is often highly controversial, drawing the interest, if not intervention, of politicians. Developments of residential and commercial projects often draw criticism and pleas to elected officials for help. The Corps has a hard enough time coping with the tussles even with the protections required in the individual-permit processes.

The biggest question surrounding the proposed waiver, if approved, is this: Would it be the death of many wetlands, one small bit at a time?

A single "bee sting" doesn't kill, but the accumulated hits can cause serious harm to wetlands' good purposes well beyond their boundaries to improve water quality, control flooding, replenish groundwater and stabilize shorelines.

The risk to wetlands with this proposal is high. They have been disappearing for decades, now at a rate of 58,500 acres a year, according to the U.S. Fish and Wildlife Service. In addition, a National Research Council study reported in June that more than two-thirds of wetlands created to replace those lost are a failure.

The Corps talks of streamlining procedures for minor-impact projects so it can spend more time and resources on more complex ones. But efficiency, even cost-efficiency, shouldn't contribute to the loss of wetlands.

The Corps also promotes the changes as simplifications to help the public understand and comply with the rules. Most developers already well understand the rules.

Easy and quick are attractive promises, especially coming from a bureaucracy. But the wetlands at stake are too valuable to risk for procedural efficiency; the Corps proposal needs substantial change.

- Our View is the editorial opinion of The Bay City Times, as determined by the newspaper's editorial

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